

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

JEREL BRAY-SEAN JOHNSON,)	
)	
Petitioner,)	
)	
v.)	Nos.: 3:20-CV-534-TAV-DCP
)	3:20-CV-537-TAV-DCP
UNITED STATES OF AMERICA,)	3:18-CR-119-TAV-DCP
)	3:19-CR-18-TAV-DCP
Respondent.)	

ORDER

This matter is before the Court on the Report and Recommendations (the “R&R”) entered by United States Magistrate Judge Debra C. Poplin on May 11, 2022 [Doc. 19].¹ In the R&R, Judge Poplin recommends that the Court deny petitioner’s remaining claim in his motion under 28 U.S.C. § 2255 [Doc. 1], that is, that counsel was ineffective for failing to file a notice of appeal.² Moreover, Judge Poplin recommends that the Court not issue petitioner a certificate of appealability as to this issue. There have been no timely objections filed to the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

After carefully reviewing the matter, the Court agrees with Judge Poplin’s recommendations and reasoning, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 19]. Therefore, petitioner’s motion [Doc. 1] is **DENIED** as to the sole remaining claim. Additionally, the Court **CERTIFIES** that any appeal from this action would not be taken in good faith and

¹ Citations refer to filings in case number 3:20-CV-534.

² The Court has already resolved all of petitioner’s other § 2255 claims [*See* Doc. 10].

would be totally frivolous. Therefore, any application by petitioner for leave to proceed *in forma pauperis* on appeal is **DENIED**. *See* Fed. R. App. P. 24. Any appeal from this order will be treated as an application for a certificate of appealability, which is hereby **DENIED** because petitioner has not made a substantial showing of the denial of a constitutional right and jurists of reason would not dispute the above conclusions. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

There being no remaining claims in this action, this case is **DISMISSED**, and the Clerk is **DIRECTED** to close civil case numbers 3:20-CV-534-TAV-DCP and 3:20-CV-537-TAV-DCP.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE